

REMARKS

Claims 18-24, 26-29, 42-44, 47, 50 and 51 are pending in the application. Reconsideration of this application is respectfully requested.

Applicant wishes to thank the Examiner for discussing this application on January 5, 2005 and clarifying the Advisory Action dated December 7, 2004.

The Office Action rejects claims 18-24, 26-29, 42-44, 47, 50 and 51 under 35 U.S.C 103(a) as unpatentable over Mathworks.com (February 9, 1999 Internet Publication), hereafter Mathworks, in view of U.S Patent No. 6,223,171 to Chaudhuri et al., hereafter Chaudhuri.

Chaudhuri has a reference date (i.e., filing date of August 25, 1998), only nine (9) days prior to the priority date of the present application, i.e., September 3, 1998. The Declaration of Paul Green Under 37 CFR 131 that accompanied the Amendment dated November 24, 2004 inadvertently omitted three drawing figures, namely figures 21-23. A revised Declaration of Paul Green Under 37 CFR 131 is submitted herewith that includes all of the figures 1- 26, as well as accompanying text, is submitted herewith. It is submitted that the revised declaration is adequate to swear back of Chaudhuri and that Chaudhuri, therefore, is an improper reference.

As noted in the Amendment dated November 24, 2004, Mathworks is an improper reference in that the present application's priority date (i.e., September 3, 1998) predates Mathwork's February 9, 1999 date. An earlier version of Mathworks (December 12, 1997), hereafter Mathworks 1997, was appended to the Examiner's Interview Summary dated November 30, 2004 that summarized the interview of November 23, 2004.

The claims particularly point out and distinctly claim an interactive screening or filtering procedure by which a user in a series of related decisions aided by dynamic displays searches a universe of financial instruments to obtain a manageable number of

hits in a limited number of filter passes. The claimed invention (e.g., claim 18) recites a step by step procedure in which each screening decision is aided by a histogram. At each screening step the user selects filter criteria that define a proposed filter condition. A histogram is displayed that shows a distribution by frequency of occurrence categories of the result of a proposed filter or screening decision. If the user, upon viewing the histogram, modifies the proposed filter condition, a modified histogram is displayed. The filter pass is executed for the proposed filter condition or the modified proposed filter condition based on the user's selection. The claimed procedure can result in a manageable number of hits in just a few filter passes, which is 5 for the example of a universe of 3,836 funds described beginning at page 14, line 21, of the specification.

In the final Office Action, the Examiner broadly alleged that Mathworks shows all of the limitations of the claims except for specifying the data filtering steps. It is assumed that the Examiner intends the same allegation for Mathworks 1997.

The allegation is respectfully traversed. The Examiner provides a brief description of Mathworks 1997, but does not specifically point out any part of Mathworks 1997 that discloses any feature recited in the claims. The Examiner does not even apply Mathworks 1997 to any specific claim.

In fact, Mathworks 1997 merely describes a set of tools that are useful for various analyses. However, Mathworks 1997 does not even describe a searching procedure. For example, independent claims 18, 24, 42 and 47 each recite searching or search of a universe of financial instruments. Mathworks 1997 does not even mention a search of financial instruments.

The Examiner notes that the Financial Toolbox feature of Mathworks 1997 can perform many different types of financial analyses. However, the Financial Toolbox feature does not even mention searching a universe of financial instruments. The Examiner further notes that the Statistics Toolbox feature of Mathworks 1997 can support Financial Toolbox by producing a histogram frequency and observed values. Mathworks

1997 does not even mention that Statistics Toolbox produces histograms for a search procedure.

The Examiner admits that Mathworks 1997 does not disclose the data filtering steps recited in the claims.

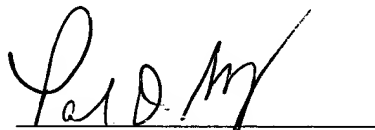
Since Chaudhuri is an improper reference and Mathworks 1997 does not even describe any filter steps, any search procedure or how its tools could be used for searching, it is submitted that the rejection of claims 18-24, 26-29, 42-44, 47, 50 and 51 under 35 U.S.C 103(a) is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejection 35 U.S.C. 103(a) be withdrawn, that claims 18-24, 26-29, 42-44, 47, 50 and 51 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

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Paul D. Greeley

Reg. No. 31,019

Attorney for Applicant

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th Floor

Stamford, CT 06901-2682

(203) 327-4500

IN THE SPECIFICATION

Please amend the specification as follows:

At page 1, line 1, add the following new paragraph:

--- This application claims priority to U.S. Provisional Application No.
60/099,272, filed on September 3, 1999. ---